



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,084	11/25/2003	Nobuaki Watanabe	2003_1657A	4863
513 7590 11/30/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
LE, TUAN H				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
11/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,084

Applicant(s)

WATANABE, NOBUAKI

Examiner

TUAN H. LE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 7/14/2009 have been fully considered but they are not persuasive.

Regarding **claims 1, 3-9**, applicant submits that, Matsumoto (US 4,984,003) does not disclose or suggest that (i) the mechanical blade is disposed in front of an image pickup element; (ii) first when turning on an electric-power supply in order to set a photographable standby state in which a dynamic image and a still image are photographable, the control means applies opening energization so as to allow the blade to perform an opening motion to move into an opened state; and (iii) next when a releasing operation is performed, the control means first applies opening energization so as to allow the blade to perform an opening motion again and then applies closing energization so as to allow the blade to perform a closing motion to move into a closed state for completion of photography, Remarks, page 9 lines 1-8. However, the examiner respectfully disagrees.

Specifically, Matsumoto discloses (i) the mechanical blade is disposed in front of an image pickup element, (Matsumoto, column 7 lines 48-60, wherein the photosensitive material is an image pickup element); (ii) first when turning on an electric-power supply in order to set a photographable standby state in which a dynamic image and a still image are photographable, the control means applies opening energization so as to allow the blade to perform an opening motion to move into an opened state (Matsumoto, column 7 lines 48-60, wherein the

Art Unit: 2622

shutter must be kept opened at all time for viewing the scene to be photographed); and (iii) next when a releasing operation is performed, the control means first applies opening energization so as to allow the blade to perform an opening motion again and then applies closing energization so as to allow the blade to perform a closing motion to move into a closed state for completion of photography (Matsumoto, column 7 lines 48-60, wherein upon activation of release means the shutter is first opened in reference to the followed closure of the shutter.)

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (4,984,003 to Matsumot et al).

Regarding **claim 1**, Matsumoto discloses a blade driving device (Matsumoto, Fig. 7) for use in cameras, the blade driving device comprising:

 a mechanical blade (blade 1) openably and closably disposed in front of an image pickup element, the mechanical blade being operable to block a part or all of light passing through an exposure aperture or to reduce light passing therethrough (Matsumoto, fig. 7, column lines 55-62, wherein blade 1 can be moved to pass or block light);

 an electromagnetic actuator (actuator 4) being operable to enable the blade to perform an opening motion according to opening energization and to enable the blade to perform a closing motion according to closing energization

Art Unit: 2622

(Matsumoto, fig. 4, column 4 lines 63-66, wherein blade 1 moved by actuator 4);
and

a control means (control circuit 16 and driver 12) for drive-controlling the electromagnetic actuator and applying opening energization and closing energization to the electromagnetic actuator so as to allow the blade to perform an opening motion to move into an opened state when turning on an electric-power supply in order to set a photographable standby state in which a dynamic image and a still image are photographable (Matsumoto, fig. 7, column 5 lines 24-34, column 7 lines 48-51, wherein electric source 15 and control circuit 16 drive the opening and closing of the blade 1 and the shutter is kept opened to allow operator to view the scene), and to first perform an opening motion when a releasing operation is performed, and then to perform a closing motion for completion of a photograph (Matsumoto, fig. 7, column 7 lines 55-57, wherein upon activation of release means, the shutter is first opened in reference to the followed closure of the shutter).

Regarding **claim 3**, Matsumoto discloses aforementioned limitations of the parent claim. Additionally, Masumoto discloses

the blade is a shutter blade that opens and closes the aperture
(Matsumoto, fig. 7, column 4 lines 58-62, wherein blade 1 opens or closes apertures 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being obvious over

Matsumoto (4,984,003 to Matsumoto et al).

Regarding **claim 4**, Matsumoto fails to teach a diaphragm blade that stops down the aperture to a predetermined aperture diameter. **Official Notice is taken** that both the concepts and advantages of a diaphragm blade are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the diaphragm blade into the blade driving device as described by Matsumoto to adjust aperture diameter because such implementation simplifies designs and yields fast aperture control for the blade driving device.

Regarding **claim 5**, Matsumoto fails to teach an ND filter blade that reduces an amount of light passing through the aperture to a predetermined level. **Official Notice is taken** that both the concepts and advantages of an ND filter blade are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the ND filter blade into the blade driving device as described by Matsumoto to reduce incident light because such implementation simplifies designs for the blade driving device.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (4,984,003 to Matsumoto et al) in view of Ikeda (JP2001-183718 to Ikeda Noribumi).

Regarding **claim 6**, Matsumoto discloses aforementioned limitations of the parent claim. Additionally, Masumoto fails to disclose

the control means applies opening energization to the electromagnetic actuator so as to allow the blade to perform an opening motion when an amount of light incident on the image pickup element becomes equal to or less than a predetermined level in the photographable standby state.

On the other hand, Ikeda discloses

the control means (control section which controls an actuator, Ikeda, paragraph [0004]) applies opening energization to the electromagnetic actuator so as to allow the blade to perform an opening motion when an amount of light incident on the image pickup element becomes equal to or less than a predetermined level in the photographable standby state (Ikeda, Abstract and paragraphs [0003] and [0004], wherein in a photographing standby state, the moving of shutter blades from the opened position to closed position because of vibration or impact makes incident light on image pickup element becomes equal or less than a predetermined value and wherein the shutter blades are always returned to the opened position upon impact or vibration).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the control means as described by Ikeda into the device as described by Matsumoto so as to apply

Art Unit: 2622

opening energization to the electromagnetic actuator so as to allow the blade to perform an opening motion when an amount of light incident on the image pickup element becomes equal to or less than a predetermined level in the photographable standby state because such incorporation results in a good shutter chance for photographing (Ikeda, paragraph [0003]).

Regarding **claim 7**, Matsumoto and Ikeda disclose aforementioned limitations of the parent claim. Additionally, Masumoto discloses the blade is a shutter blade that opens and closes the aperture (Matsumoto, fig. 7, column 4 lines 58-62, wherein blade 1 opens or closes apertures 2).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto (4,984,003 to Matsumot et al).

Regarding **claim 8**, Matsumoto fails to teach a diaphragm blade that stops down the aperture to a predetermined aperture diameter. **Official Notice is taken** that both the concepts and advantages of a diaphragm blade are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the diaphragm blade into the blade driving device as described by Matsumoto to adjust aperture diameter because such implementation simplifies designs and yields fast aperture control for the blade driving device.

Regarding **claim 9**, Matsumoto fails to teach an ND filter blade that reduces an amount of light passing through the aperture to a predetermined level. **Official Notice is taken** that both the concepts and advantages of an ND

Art Unit: 2622

filter blade are well known and expected in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the ND filter blade into the blade driving device as described by Matsumoto to reduce incident light because such implementation simplifies designs for the blade driving device.

Allowable Subject Matter

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 10**, the prior art of record neither anticipates nor render obvious the control means applies opening energization to the electromagnetic actuator so as to allow the blade to perform an opening motion when a signal exceeding a predetermined level is output from a shock sensor used to detect an impulsive force in the photographable standby state. The closest prior art, US 6,304,726, discloses a shock sensors detects a predetermined level shock. Then information related to the shock level is displayed on a display of a camera.

Regarding **claims 11-13**, these claims are objected as being dependent upon claim 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. LE whose telephone number is (571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan H Le/
Examiner, Art Unit 2622

/Jason Chan/

Supervisory Patent Examiner, Art Unit 2622